

**IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF ILLINOIS
 SPRINGFIELD DIVISION**

PAUL CARPENTER,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
UNITED STATES DEPARTMENT)	
OF JUSTICE, DRUG ENFORCEMENT)	
ADMINISTRATION,)	
)	
Defendant.)	

**COMPLAINT UNDER FREEDOM OF INFORMATION ACT
5 U.S.C.A. §552(a)(6)(A)(i)**

NOW COMES, Plaintiff, Paul Carpenter, by and through his attorneys, Brown, Hay & Stephens, LLP, Tom Schanzle-Haskins, of counsel and as and for its Complaint under the Freedom of Information Act 5 U.S.C.A. §552(a)(6)(A)(i) hereby states as follows:

1. This action is brought under the Freedom of Information Act (hereinafter the “Act”), as amended (5 U.S.C.A §552(a)(6)(A)(i) and seeks Preliminary and Final Injunction against withholding certain information from Plaintiff and directing that certain information be disclosed.

2. Plaintiff is an individual who is a Defendant in a civil action pending in this court known as *Larry M. Washington, et al v. City of Springfield, et al*, Case No. 07-3075, Central District of Illinois, Springfield Division (hereinafter “underlying litigation”).

3. Defendant, Drug Enforcement Administration (“DEA”) is a federal administrative agency within the meaning of the act and is a division of the United States Department of Justice.

4. Larry Washington, Plaintiff in the underlying litigation and has filed suit against the City of Springfield, former Springfield Detective Paul Carpenter and various other police

officers employed by the City of Springfield. The underlying litigation alleges that the Defendants improperly obtained a search warrant for the residence of Larry Washington and, while conducting a search on March 17, 2005, “planted” one-half kilogram of cocaine in Washington’s residence which lead to Washington’s arrest.

5. Washington, when interviewed after the search and his arrest, denied that he sold cocaine and denied knowing about the cocaine that was found in his home during the search.

6. In Washington’s answers to Interrogatories filed in the underlying litigation, Washington indicated that Danny J. Sidener, Jr. (“Sidener”) telephoned him after Washington’s arrest on March 17, 2005, when the cocaine was discovered in his home and provided Washington with details regarding Washington’s arrest which had not been reported in the news media.

7. On October 16, 2006, Sidener entered a guilty plea in *U.S.A. v. Sidener*, Case No. 3:05-CR-30101, United States District Court, Central District of Illinois (hereinafter “Sidener case”). Sidener pled guilty to conspiracy to distribute cocaine, distribution of cocaine and use of a telephone to facilitate a drug offense. A docket entry made on January 23, 2007 in the Sidener case indicates that the schedule for sentencing provided ample time for the government and Sidener to finalize issues regarding his cooperation and sentencing. On February 26, 2007, the Court granted the government’s Motion for Downward Departure and Sidener was sentenced to 81 months in prison.

8. The attorney who initially represented Sidener in the Sidener case, in which Sidener ultimately entered a guilty plea, was disbarred by the Illinois Registration and Disciplinary Commission. Among the allegations contained in the pleadings filed in the matter of John Anthony Maurer, before the Hearing Board of the Illinois Registration and Disciplinary

Commission, Docket No. 07-SH-6, were statements that indicated Sidener was concerned that people believed he had cooperated with the Springfield Police Department in the investigation involving Plaintiff, Larry Washington. The ARDC proceedings alleged that Sidener paid Attorney Maurer to get copies of the police reports in the Washington prosecution to prove that Sidener was not the person who cooperated with the police regarding Washington's arrest.

9. The circumstances presented here indicate that Sidener has knowledge of Washington's drug-related activities. Washington has specifically denied that he is involved in drug-related activities and contends that Defendant Carpenter, as well as other law enforcement officers, planted cocaine in his residence.

10. On April 15, 2008, counsel for Carpenter issued a subpoena to the DEA requesting the DEA to produce any interviews, including but not limited to DEA-6 Interview Reports, reflecting interviews of Danny Sidener which refer to Larry Washington. A copy of that subpoena is attached hereto as Exhibit A.

11. On May 5, 2008, after a phone call had been made to Attorney Schanzle-Haskins from DEA advising him that the DEA would not comply with the subpoena, a letter, attached hereto as Exhibit B, was sent to Attorney Schanzle-Haskins by DEA. The letter indicated that DEA would not provide the records pursuant to the subpoena and indicated that Carpenter might request the information from the DEA by filing a Freedom of Information Act ("FOIA") Request in accordance with DEA procedures.

12. On May 14, 2008, an FOIA Request for the interviews of Sidener, which mention Washington, was sent to the appropriate Freedom of Information Unit of the DEA in Arlington, Virginia. That FOIA Request was received by DEA on May 29, 2008. A copy of the FOIA

Request is attached hereto as Exhibit C and a copy of the United States Postal Service certified mail card showing receipt of the FOIA Request on May 29, 2008 is attached hereto as Exhibit D.

13. On May 29, 2008, the DEA sent a letter, attached hereto as Exhibit E, to counsel for Carpenter.

14. FOIA (5 U.S.C.A §552(a)(6)(A)(i)) requires that the agency shall determine, within twenty (20) days after receipt of any such request whether to comply with the request and shall immediately notify the person making the request of such determination and the reasons therefore.

15. The twenty-day period, excluding Saturdays, Sundays and legal public holidays, for determining whether DEA would comply with the request expired on June 26, 2008.

16. DEA has communicated no determination regarding compliance with the request nor have they sent counsel for the Plaintiff an assigned FOIA/PA number.

17. Counsel has been employed to represent Carpenter in this action and has incurred and will continue to incur attorneys' fees and costs.

18. The records referred to above were and are identifiable records within the meaning of the Freedom of Information Act. DEA's refusal to notify the Plaintiff within 20 days, after receipt of the FOIA Request, whether they would comply with the request is in violation of the FOIA and Plaintiff is entitled to relief provided for by the Act.

WHEREFORE, Plaintiff, Paul Carpenter, prays for (1) Preliminary and Final Injunction prohibiting Defendant from withholding from the Plaintiff the records referred to and described above, (2) Preliminary and Final Injunctions directing Defendant to make such records available to Plaintiff and Plaintiff's attorney and to permit the inspection of copying of such records, and

(3) attorneys' fees and costs and for such other and further relief as this Court deems just and proper.

PAUL CARPENTER, Plaintiff

By: /s/ Tom Schanzle-Haskins

Tom Schanzle-Haskins

Registration Number 2473534

Attorney for Plaintiff

Brown, Hay & Stephens, LLP

205 S. Fifth Street, Suite 700

P.O. Box 2459

Springfield, IL 62705-2459

(217) 544-8491

Fax: (217) 544-9609

E-mail: ts-h@bhslaw.com

FD-128 (Rev. 12/07) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 Central District of Illinois

Larry M. Washington and Jennifer A. Jenkins
 V.

SUBPOENA IN A CIVIL CASE

City of Springfield, et al

Case Number:¹ 07-3075

TO: Drug Enforcement Administration (Springfield Resident
 Office) Attn: Agent Rick Dollus
 2875 Via Verde Street, Springfield, IL 62703

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Any interviews, including but not limited to Form DEA-6 interview reports, reflecting interviews of Danny Sidner, which mention or refer to Larry Washington and/or Jennifer Jenkins, including but not limited to handwritten notes, typed reports of interviews, recorded interviews, transcriptions of recorded interviews, telephone conversations or statements made by Sidner concerning Larry Washington and/or Jennifer Jenkins

PLACE	DATE AND TIME
Brown, Hay & Stephens, LLP, 205 South Fifth Street, Suite 700, Springfield, Illinois 62701	4/30/2008 1:30 pm

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

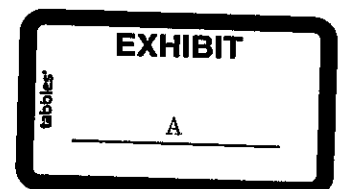
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
<i>Tom Schanzle-Haskins</i> ATTORNEY FOR DEFENDANT CARPENTER	04/15/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Tom Schanzle-Haskins, Brown, Hay & Stephens, LLP, 205 South Fifth Street, Suite 700, Springfield, Illinois 62701,
 217/544-8491

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.



A-288 (Rev. 12/07) Subpoena in a Civil Case (Page 2)


PROOF OF SERVICE

	DATE	PLACE
SERVED	4/15/2008	2875 Via Verde Springfield, IL 62703
SERVED ON (PRINT NAME)		MANNER OF SERVICE
Drug Enforcement Administration		Certified Mail
SERVED BY (PRINT NAME)		TITLE
Kristina Miller		Legal Assistant

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/15/2008
DATE


SIGNATURE OF SERVER

205 South Fifth Street, Suite 700
ADDRESS OF SERVER

Springfield, Illinois 62701

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(e) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding must provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

PROOF OF SERVICE

The undersigned certifies that copies of the foregoing instrument for Defendant Paul Carpenter were served upon:

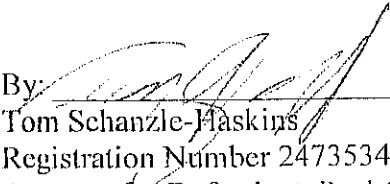
Gregory E. Kulis
Shehnaz I. Mansuri
Gregory E. Kulis & Associates
Suite 2140
30 N. LaSalle Street
Chicago, IL 60602

Theresa M. Powell
Heyl, Royster, Voelker & Allen
Suite 575
1 North Old State Capitol Plaza
P.O. Box 1687
Springfield, IL 62705

J. Williams Roberts
Charles Schmadeke
Hinshaw & Culbertson
Suite 200
400 South 9th Street
Springfield, IL 62701

James A. Lang
Room 313 Municipal Center East
800 East Monroe Street
Springfield, IL 62701-1689

by enclosing the same in envelopes addressed to such attorneys at their addresses, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mailbox in Springfield, Illinois on this 15th day of April, 2008.

By: 
Tom Schanzle-Haskins
Registration Number 2473534
Attorney for Defendant, Paul Carpenter
Brown, Hay & Stephens, LLP
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705-2459
(217) 544-8491
Fax: (217) 544-9609
E-mail: ts-h@bhslaw.com



U.S. Department of Justice
Drug Enforcement Administration
Chicago Field Division
230 South Dearborn, Suite 1200
Chicago, Illinois 60604
(312) 353-7875

www.dea.gov

May 5, 2008

Tom Schanzle-Haskins
Brown, Hay & Stephens, LLP
205 South Fifth Street, Suite 700
P.O. Box 2459
Springfield, Illinois 62701
Fax: (217) 544-9609

Re: *Larry M. Washington and Jennifer A. Jenkins v. City of Springfield, et al.*
Case No. 07-3075, Central District of Illinois

Dear Mr. Schanzle-Haskins:

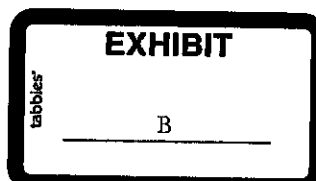
This responds to the subpoena delivered to Special Agent (SA) Rick Dollus, an employee of the Drug Enforcement Administration (DEA), a subordinate component of the United States Department of Justice, in the above-captioned case.

Your subpoena purported to summon SA Dollus to your offices on Tuesday, April 30, 2008 at 1:30 pm. Your firm's office address was provided. This document also purported to command the production of a multitude of documentation and/or information pertaining to Danny Sidner regarding statements purportedly made by him concerning Larry M. Washington and Jennifer A. Jenkins.

Please note that neither SA Dollus nor any other employee of the Chicago Division of the DEA will present themselves or produce the requested documents mentioned in your subpoena. You should also be aware that SA Dollus is not the custodian of DEA records, nor is he authorized to release information of this nature under the Privacy Act (5 USC 552a).

SA Dollus is an employee of the Drug Enforcement Administration and was at all times relevant to your subpoena, acting in the scope of his official duties with the DEA. As stated above, the DEA is a subordinate component of the United States Department of Justice – a department within the executive branch of the Federal government. As such, whether SA Dollus would be authorized to provide the requested documents is a procedural determination governed by the rules and procedures of the United States Department of Justice, to wit: 28 C.F.R. 16.21 *et seq.*

These procedures are commonly referred to as the *Touhy* regulations and exist to ensure that information in the possession and control of DOJ components is properly maintained and protected and further that any release of information in our possession is consistent with the Privacy Act and/or other controlling statutes and regulations. These procedures also ensure that DOJ employees are not burdened with outside requests for testimony in matters not involving the Department of Justice. In pertinent part, Section 16.22 of Title 28 of the Code of Federal Regulations provides:



MAY 08 2008

- (a) In any federal or state court action in which the United States is not a party, no employee or former employee of the Department of Justice shall, in response to a demand, produce any material contained in the files of the Department, or disclose any material relating to or based upon material acquired as a part of that person's official duties or because of that person's official status without prior approval of the proper Department official in accordance with Sections 16.24 and 16.25 of this part.
- (b) Whenever a demand is made upon an employee or former employee as described in paragraph (a) of this section, the employee shall immediately notify the United States Attorney for the district where the issuing authority is located. The responsible United States Attorney shall follow procedures set forth in Section 16.24 of this part.
- (c) If oral testimony is sought by a demand in any case or matter in which the United States is not a party, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or by his attorney, setting forth a summary of the testimony sought and its relevance to the proceeding, must be furnished to the responsible United States Attorney. Any authorization for testimony by a present or former employee of the Department shall be limited to the scope of the demand as summarized in such statement.
- (d) When information other than oral testimony is sought by a demand, the responsible United States Attorney shall request a summary of the information sought and its relevance to the proceeding.

The subpoena issued to SA Dollus does not comply with the above-cited regulations. Therefore, the appearance and/or testimony of SA Dollus is not approved, and he will not be appearing at the deposition. Furthermore, SA Dollus is not authorized to provide you with oral or written statements or any information arising from or related to his Federal employment. Lastly, SA Dollus is not the custodian of records or documentation for DEA. As such, he cannot produce the documents you seek.

Founded on the principals of the Supremacy Clause of the United States Constitution (Article VI), the Federal courts have repeatedly confirmed that, under the *Touhy* doctrine, a state court lacks jurisdiction to subpoena Federal employees. See *In re Elko County Grand Jury*, 109 F.3d 554 (9th Cir. 1997), *cert. denied sub nom. Elko County Grand Jury v. Siminoe*, 522 U.S. 1027 (1997) (holding that, where a Federal agency bars disclosure of official information under a regulation analogous to 28 CFR § 16.21 et seq., the only appropriate method to challenge that decision is through an Administrative Procedure Act proceeding in the United States District Court); *Swett v. Schenk*, 792 F.2d 1447, 1452 (9th Cir. 1986) (holding that a state court lacked jurisdiction to enter its [contempt] order in the first place.”). See also, *U.S. ex rel Ragen v. Touhy*, 340 U.S. 462 (upholding predecessor regulation to 28 CFR §§ 16.21 et seq.); *Houston Business Journal, Inc. v. Office of the Comptroller of the Currency*, 86 F.3d 1208 (D.C. Cir. 1996); *Smith v. Cromer*, 159 F.3d 875 (4th Cir. 1998) (quashing subpoena for DEA records); *Edwards v. U.S. Dep't of Justice*, 43 F.3d 312 (7th Cir. 1994); *Civiletti v. Municipal Court*, 172 Cal.Rptr. 83, 86 (1981) (noting that any attempt “to compel compliance with either subpoena by the Attorney General flounders like the Titanic on the

Tom Schanzle-Haskins

Page 3

hard rock of sovereignty”).

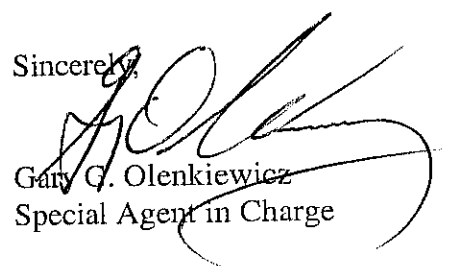
Additionally, you should be aware that Federal employees can be subject to significant criminal and civil penalties for the unauthorized release of information protected by the Privacy Act. *See* 5 USC 552a. Furthermore, a DEA employee who releases or discloses information without authorization may be disciplined and may be removed from their Federal position or receive other lesser penalties.

As you are aware, SA Dollus did not appear at your offices on April 30, 2008. As a courtesy, please advise if you will seek enforcement of the subpoena issued in this matter so that we may oppose your motion and seek that the subpoena be quashed. In such a situation, I would advise the United States Attorney’s Office in the Central District of Illinois of your subpoena and request their assistance in quashing your subpoena should you seek its enforcement.

As an alternative to your subpoena, individuals may request information from the DEA by filing a Freedom on Information Act (FOIA) request in accord with our procedures. How to file a FOIA request is explained on our website, “www.dea.gov.” The FOIA icon is at the bottom of the webpage. You should be aware that your client may have to pay fees and costs associated with the filing of a FOIA request.

This communication should not be construed as a representation that relevant records exist. Once you have provided the necessary information required by the Code of Federal Regulations, your request for SA Malloy’s testimony will be reviewed by Division Counsel Powers and then acted upon by me or another authorized DEA and/or DOJ official. If you have any questions or concerns regarding this letter, please do not hesitate to contact Mr. Powers at (312) 353-8419.

Sincerely,


Gary G. Olenkiewicz
Special Agent in Charge

cc: Kevin Powers
Division Counsel

Rick Dollus
Special Agent
DEA-Springfield

Attachments

LMTC 04/30/08 4:00 PM

SD086 (Rev. 12/07) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 Central District of Illinois

Larry M. Washington and Jennifer A. Jenkins
 V.

SUBPOENA IN A CIVIL CASE

City of Springfield, et al

Case Number:¹ 07-3075

TO: Drug Enforcement Administration (Springfield Resident
 Office) Attn: Agent Rick Dollus
 2875 Via Verde Street, Springfield, IL 62703

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

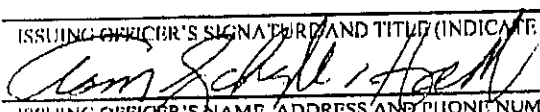
Any interviews, including but not limited to Form DEA-6 Interview reports, reflecting interviews of Danny Sidner, which mention or refer to Larry Washington and/or Jennifer Jenkins, including but not limited to handwritten notes, typed reports of interviews, recorded interviews, transcriptions of recorded interviews, telephone conversations or statements made by Sidner concerning Larry Washington and/or Jennifer Jenkins

PLACE	DATE AND TIME
Brown, Hay & Stephens, LLP, 205 South Fifth Street, Suite 700, Springfield, Illinois 62701	4/30/2008 1:30 pm

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PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 ATTORNEY FOR DEFENDANT CARPENTER	04/15/08
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
Tom Schanzle-Haskins, Brown, Hay & Stephens, LLP, 205 South Fifth Street, Suite 700, Springfield, Illinois 62701, 217/544-8491	

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AORR (Rev. 12/07) Subpoena in a Civil Case (Page 2)


PROOF OF SERVICE

	DATE	PLACE
SERVED	4/15/2008	2875 Via Verde Springfield, IL 62703
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
Drug Enforcement Administration	Certified Mail	
SERVED BY (PRINT NAME)	TITLE	
Kristina Miller	Legal Assistant	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/15/2008
DATE


SIGNATURE OF SERVER

205 South Fifth Street, Suite 700
ADDRESS OF SERVER

Springfield, Illinois 62701

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction -- which may include lost earnings and reasonable attorney's fees -- on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises -- or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These rules may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person -- except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to access the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(i).

PROOF OF SERVICE

The undersigned certifies that copies of the foregoing instrument for Defendant Paul Carpenter were served upon:

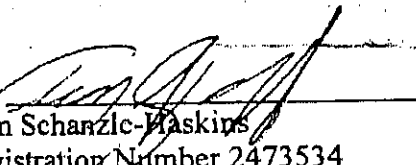
Gregory E. Kulis
Shehnaz I. Mansuri
Gregory E. Kulis & Associates
Suite 2140
30 N. LaSalle Street
Chicago, IL 60602

Theresa M. Powell
Heyl, Royster, Voelker & Allen
Suite 575
1 North Old State Capitol Plaza
P.O. Box 1687
Springfield, IL 62705

J. Williams Roberts
Charles Schmadeke
Hinshaw & Culbertson
Suite 200
400 South 9th Street
Springfield, IL 62701

James A. Lang
Room 313 Municipal Center East
800 East Monroe Street
Springfield, IL 62701-1689

by enclosing the same in envelopes addressed to such attorneys at their addresses, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mailbox in Springfield, Illinois on this 15th day of April, 2008.

By: 
Tom Schanzle-Maskins
Registration Number 2473534
Attorney for Defendant, Paul Carpenter
Brown, Hay & Stephens, LLP
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705-2459
(217) 544-8491
Fax: (217) 544-9609
E-mail: ts-h@bhslaw.com

BROWN, HAY & STEPHENS, LLP		10-67	usbank		181326
<i>Attorneys</i>			<small>First Bank Service Corporation</small>		
205 So. 5th St., Suite 700			70-275(9)		
Springfield, Illinois 62701			0812		
PAY \$*** Forty Two Dollars and 60 Cents ***		DATE	04/15/08	AMOUNT	\$42.60
TO THE ORDER OF		DRUG ENFORCEMENT ADMINISTRATION		2875 VIA VERDE STREET SPRINGFIELD, IL 62703	
		<i>Carol A. Davis</i>		Signature	

⑈181326⑈ ⑆081202759⑆ 9670012116⑈

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2008 APR 30 P 5:07

SPRINGFIELD RESIDENT OFC
SPRINGFIELD, ILLINOIS

IN Street suite 700
Springfield, Illinois 62701

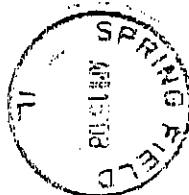


7006 2150 0004 5097 8684



CERTIFIED MAIL

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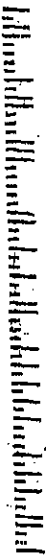


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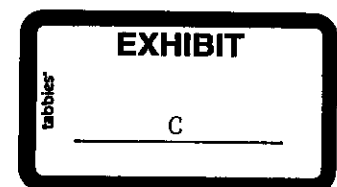
**FREEDOM OF INFORMATION ACT REQUEST FOR DRUG ENFORCEMENT
ADMINISTRATION RECORDS REGARDING DANNY J. SIDENER, JR.**

To: Katherine L. Myrick, Chief
Freedom of Information Operations Unit
FOI/Records Management Section
Drug Enforcement Administration
Department of Justice
West Building, 6th Floor
700 Army Navy Drive
Arlington, VA 22202

1. **PERSON MAKING REQUEST.** This Request is made by Tom Schanzle-Haskins. Mr. Schanzle-Haskins is an attorney, licensed to practice law in the State of Illinois, United States District Court for the Central District of Illinois, Southern District of Illinois, Seventh Circuit Court of Appeals, and United States Supreme Court. Mr. Schanzle-Haskins represents Paul Carpenter who is Defendant in litigation filed by Larry M. Washington and Jennifer A. Jenkins currently pending as Case No. 07-3075 in the United States Central District of Illinois. A copy of the Complaint from that case is attached hereto as Exhibit A.

2. **MATERIAL REQUESTED.** Any interviews, including but not limited to Form DEA-6 interview reports, reflecting interviews of Danny J. Sidener, Jr. ("Sidener"), which mention or refer to Larry Washington and/or Jennifer Jenkins, including but not limited to handwritten notes, typed reports of interviews, recorded interviews, transcriptions of recorded interviews, telephone conversations or statements made by Sidener concerning Larry Washington and/or Jennifer Jenkins. These materials originated in the Resident DEA Office in Springfield, Illinois. The case agent involved was DEA Special Agent, Richard Dollus.

3. **RELEVANT INFORMATION AND BACKGROUND OF SIDENER.** The Complaint filed by Larry Washington and Jennifer Jenkins, copy of which is attached as Exhibit A, alleges a purported illegal search by the Defendant, police officers, and, additionally, alleges



that the Defendant police officers “planted” drugs in the home occupied by the Plaintiffs. All Defendants deny the allegations.

During a search of the Plaintiffs’ residence in March of 2005, a large digital scale, ziplock bags, and approximately 500 grams of powder cocaine were found in the home. Plaintiff Washington has admitted he was convicted of possession of controlled substance in 1993 and was released from custody in 1994. Washington indicates he is self-employed as a concert and party promoter. Washington was interviewed after his arrest and denied that he sold cocaine.

In Washington’s Answers to Interrogatories filed in the litigation, Washington indicated that Sidener telephoned him after Washington’s arrest on March 17, 2005 and provided Washington details which had not been reported in the news media.

On October 16, 2006, Sidener entered a guilty plea in *USA v. Sidener*, criminal number 3:05-CR-30101, United States District Court of Central District of Illinois. A copy of the docket sheet in that case is attached hereto as Exhibit B. Sidener pled guilty to conspiracy to distribute cocaine, distribution of cocaine and use of a telephone to facilitate a drug offense. The docket entry on January 23, 2007, indicates that the schedule for sentencing provided ample time for the Government and Sidener to finalize the issues regarding his cooperation and sentencing. On February 26, 2007, the Court granted the Government’s Motion for Downward Departure and Sidener was sentenced to 81 months imprisonment.

The attorney who initially represented Sidener in the federal criminal matter, in which Sidener ultimately entered a guilty plea, was disbarred by the Illinois Attorney Registration and Disciplinary Commission. Among the allegations contained in the pleadings filed in the matter of John Anthony Maurer, before the Hearing Board of the Illinois Attorney Registration and Disciplinary Commission, Docket No. 07-SH-6 were statements which indicated that Sidener

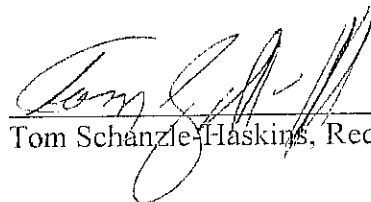
was concerned that people believed he had cooperated with the Springfield Police in the investigation involving Plaintiff Larry Washington. Sidener asked Attorney Maurer to get copies of the police reports in the Washington case to prove that Sidener was not the person who cooperated with the police.

The circumstances presented here indicate that Sidener has knowledge of Washington's drug related activities. Washington has specifically denied that he is involved in drug related activities and contends that law enforcement officers "planted" cocaine in his residence.

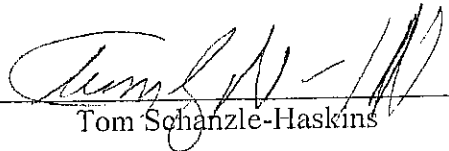
Sidener recently gave a lengthy interview to a newspaper reporter which was published in the Illinois Times on March 20, 2008. A copy of the article is attached hereto as Exhibit C. The article indicates that Sidener has provided details regarding his drug related activities to the Government, the press and the public.

Sidener's cooperation with the Government, as well as his willingness to discuss his criminal activities with the press indicate that Sidener has relinquished his personal privacy interests regarding his drug activity and the public interest in disclosure of his statements to the DEA concerning Washington, in order to defend the allegations made in Washington's Complaint, attached hereto as Exhibit A, carry a strong public interest in the disclosure of Washington's drug activity which may have been disclosed by Sidener which override any privacy interest of Sidener.

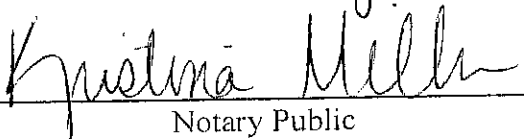
WHEREFORE, the undersigned requests that the information specified above be disclosed to the Requester.


Tom Schanzle-Haskins, Requester

Under declaration, I declare under penalty of perjury that the foregoing is true and correct
and that I am a citizen of the United States.


Tom Schanzle-Haskins

SUBSCRIBED AND SWORN to before me this 14th day of May, 2008.


Notary Public



Wednesday, 14 March, 2007 02:05:56 PM
Clerk, U.S. District Court, ILCD

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

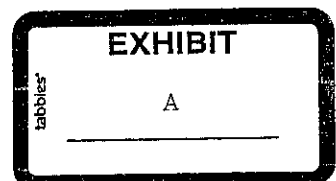
LARRY M. WASHINGTON and)	
JENNIFER A. JENKINS,)	Case No. 07-3075
)	
Plaintiffs,)	Judge
)	
v.)	Magistrate Judge
)	
CITY OF SPRINGFIELD, DETECTIVE)	Jury Demand
PAUL CARPENTER, DETECTIVE)	
JAMES GRAHAM, DETECTIVE S.)	
WELSH, DETECTIVE J.T.)	
WOOLDRIDGE, LT. RICKEY DAVIS,)	
and DEPUTY CHIEF WILLIAM)	
ROUSE, individually,)	
)	
Defendants.)	

COMPLAINT

NOW COMES the Plaintiffs, Larry M. Washington and Jennifer A. Jenkins, by and their attorneys, Gregory E. Kulis & Associates, Ltd., and The Law Offices of Tamara Holder, Attorney at Law, complaining against the Defendants, Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, Detective J.T. Wooldridge, Lt. Rickey Davis, and Deputy Chief William Rouse, individually, and the City of Springfield, as follows:

Count I - Conspiracy to Violate the Plaintiffs' Constitutional Rights and Unlawful Search

1. This action is brought pursuant to the Laws of the United States Constitution, specifically, 42 U.S.C. § 1983 and § 1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiffs, and accomplished by acts and/or omissions of the Defendants committed under color of law.
2. Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental Jurisdiction of the State of Illinois.
3. The Plaintiffs, Larry M. Washington and Jennifer A. Jenkins, at all relevant times, were United States citizens and permanent residents of the State of Illinois.



4. The Defendants, Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, Detective J.T. Wooldridge, Lt. Rickey Davis and Deputy Chief William Rouse, were at all relevant times, duly appointed police officers of the City of Springfield and at all relevant times, were acting within their scope of employment and under color of law.

5. Defendant Lt. Rickey Davis was the supervisor of Defendants Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge.

6. Defendant Deputy Chief Bill Rouse was the Deputy Chief in charge of the unit supervised by Lt. Rickey Davis and containing Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge.

7. On March 16, 2005, the Plaintiffs were living at 1429 Guemes Court in the City of Springfield, Illinois.

8. The Plaintiffs were not committing any crime or breaking any laws.

9. The Defendants, Detective Paul Carpenter and Detective James Graham, met and agree to falsify information to obtain a warrant to search the Plaintiffs' residence and set up the Plaintiffs on false criminal charges.

10. In meeting and agreeing to falsely obtain a search warrant, Defendants Detective Paul Carpenter and Detective James Graham, therefore conspired to violate the Plaintiffs' Constitutional Rights pursuant to the Fourth and Fourteenth Amendments.

11. The Defendants, Detective Paul Carpenter and Detective James Graham, obtained a search warrant for the Plaintiffs' residence.

12. The search warrant was obtained through false pretenses and Defendant Carpenter and Graham's agreement to make fraudulent statements.

13. On March 17, 2005, Defendants Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge, searched the Plaintiffs' residence.

14. On March 17, 2005, Defendants Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge, falsely arrested the Plaintiffs.

15. The actions of the Defendants were intentional, willful, and wanton.

16. Said actions constitute a violation of the Plaintiffs' Fourth and Fourteenth Amendment Rights to the United States Constitution as protected by 42 U.S.C. § 1983

17. As a direct and proximate consequence of said conduct of the Defendants, the Plaintiffs suffered fear, emotional distress, and anxiety.

Wherefore, the Plaintiffs, Larry M. Washington and Jennifer A. Jenkins, pray for judgment against the Defendants, Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge, jointly and severally, for compensatory damages in excess of One Hundred Thousand Dollars (\$100,000.00), punitive damages in excess of Fifty Thousand Dollars (\$50,000.00), plus attorneys' fees and costs.

Count II — False Arrest

1-12. The Plaintiffs reallege and incorporate their allegations of paragraphs 1-12 of Count I as their respective allegations of paragraphs 1-12 of Count II as though fully set forth herein.

13. On March 17, 2005, the Defendants brought in drug dogs and searched the Plaintiffs' residence.

14. No contraband or illegal substances were found.

15. The Defendants, Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge, agreed and then planted drugs in the Plaintiffs' residence.

16. The Defendants arrested the Plaintiffs for possession of narcotics and manufacturing narcotics.

17. These charges were false.

18. The Defendants did not have probable cause to arrest the Plaintiffs.

19. The Defendants did not have probable cause to charge the Plaintiffs.

20. Said actions of the Defendants were intentional, willful, and wanton.

21. Said actions of the Defendants violated the Plaintiffs' Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. § 1983.

22. As a direct and proximate consequence of said conduct of the Defendants, Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective

J.T. Wooldridge, the Plaintiffs, Larry M. Washington and Jennifer A. Jenkins, suffered violations of their constitutional rights, emotional anxiety, fear, pain and suffering and monetary expense.

Wherefore, the Plaintiffs, Larry M. Washington and Jennifer A. Jenkins, pray for judgment against the Defendants, Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge, jointly and severally, for compensatory damages in excess of Five Hundred Thousand Dollars (\$500,000.00), punitive damages in excess of Five Hundred Thousand Dollars (\$500,000.00), plus attorneys' fees and costs.

Count III — Monell-Practice and Policy Claim against City of Springfield

Lt. Rickey Davis and Deputy Chief William Rouse

1-22. The Plaintiffs reallege and incorporate their allegations of paragraphs 1-22 of Count II as their respective allegations of paragraphs 1-22 of Count III as though fully set forth herein.

23. The City of Springfield is officially responsible for the supervision of all police officers of the Springfield Police Department and for setting customs, practices and policy.

24. In 2005, the City of Springfield initiated, maintained, and allowed a custom, practice and policy to exist whereby:

- a. police officers conduct "garbage rip" and "trash pull" operations to falsely obtain warrants;
- b. as part of these operations, individuals are illegally searched;
- c. Detective Paul Carpenter and Detective James Graham were allowed to file false affidavits in order to obtain search warrants;
- d. the City of Springfield and Deputy Chief William Rouse were aware of Detective Carpenter and Detective Graham's illegal actions;
- e. Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge violated numerous police department rules and regulations which resulted in violations of citizens' Constitutional Rights;

- f. Deputy Chief William Rouse allowed said illegal and unconstitutional behavior to exist.
- g. the City of Springfield, despite knowledge the actions of Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge, failed to adequately supervise or discipline the Defendants;
- h. the City of Springfield therefore allowed Detective Paul Carpenter and Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge to operate as rogue police officers; and,
- i. Lt. Rickey Davis, as the direct supervisor of Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge, became aware of the officers' illegal and unconstitutional acts, but failed to go to the Chief of Police or to discipline these officers.

25. The Plaintiffs have a reasonable belief that other individuals were similarly arrested by the Defendants.

26. The City of Springfield, its police chief, and supervisors were aware of the practices of Detective Paul Carpenter, Detective James Graham, Detective S. Welsh, and Detective J.T. Wooldridge but did nothing to supervise or correct them.

27. As a result of these rogue Detectives, Paul Carpenter, James Graham, S. Welsh and J.T. Wooldridge, the Plaintiffs' rights were violated.

28. These customs, practices, and policies of the City of Springfield as to Detective Paul Carpenter, Detective James Graham Detective S. Welsh, and Detective J.T. Wooldridge and the failure to supervise or correct their actions were a force behind the unlawful acts against the Plaintiffs and facilitated these acts.

29. Said custom, practice, and policy violated the Plaintiffs' Fourth and Fourteenth Amendment Rights of the United States Constitution and were violation of said rights protected by 42 U.S.C. § 1983.

30. As a direct and proximate consequence of said conduct of the Defendants, Lt. Rickey Davis, Deputy Chief William Rouse, and the City of Springfield, the Plaintiffs suffered violations of their constitutional rights, emotional anxiety, fear, humiliation, insult, monetary loss, pain, and suffering.

Wherefore, the Plaintiffs, Larry M. Washington and Jennifer A. Jenkins, pray for judgment against the Defendants, Lt. Rickey Davis, Deputy Chief William Rouse, and the City of Springfield, for compensatory damages in excess of One Million Dollars (\$1,000,000.00), plus attorneys' fees and costs.

Count IV- False Arrest Plaintiff Washington against Defendant Rickey Davis

1-28. The Plaintiff, Larry Washington, hereby realleges and incorporates his allegations of paragraph 1-28 of Count III as his respective allegations of paragraphs 1-28 of Count IV as though fully set forth herein.

29. In furtherance of the customs, practice and policy of the City of Springfield, and in an effort to further harm the Plaintiff, Larry Washington, the Defendant, Rickey Davis, made false allegations in May 2006 "Larry Washington committed the crime of 'harassment of a witness'."

30. As a result of these allegations Defendant Rickey Davis had Plaintiff Larry Washington arrested and had his bond increased.

31. As a result of the actions of Defendant, Rickey Davis, the Plaintiff's bond was increased.

32. As a result of the actions of Defendant, Rickey Davis, the Plaintiff was jailed for several months.

33. The actions of Defendant Rickey Davis were intentional, willful and wanton.

34. As a direct and proximate consequence of said conduct of the Defendant, Rickey Davis, the Plaintiffs, Larry M. Washington, suffered violations of his constitutional rights, emotional anxiety, fear, pain and suffering and monetary expense.

Wherefore, the Plaintiff, Larry M. Washington, prays for judgment against the Defendant, Rickey Davis, for compensatory damages in excess of One Million Dollars (\$1,000,000.00), punitive damages in excess of Five Hundred Thousand Dollars (\$500,000.00), plus attorneys' fees and costs.

Respectfully submitted,

Larry M. Washington and
Jennifer A. Jenkins

/s/Gregory E. Kulis
Gregory E. Kulis
Gregory E. Kulis & Associates, Ltd.

Tamara Holder
Law Offices of Tamara Holder

Gregory E. Kulis & Associates, Ltd
30 N. LaSalle Street, #2140
Chicago, IL 60602
(312) 580-1830

Law Offices of Tamara Holder
70 W. Madison St. #1400
Chicago, IL 60602
(312) 214-3223

33, 36

U.S. District Court
CENTRAL DISTRICT OF ILLINOIS (Springfield)
CRIMINAL DOCKET FOR CASE #: 3:05-cr-30101-JES-BGC All Defendants

Case title: USA v. Sidener
Magistrate judge case number: 3:05-mj-03062-BGC

Date Filed: 11/17/2005
Date Terminated: 02/28/2007

Assigned to: Judge Jeanne E. Scott
Referred to: Magistrate Judge Byron G.
Cudmore

Defendant (1)

Danny J Sidener, Jr
TERMINATED: 02/28/2007

represented by **John A Maurer**
1216 S Fifth St
Springfield, IL 62703
217-525-8678
Fax: 217-523-6694
Email: jmaul@aol.com
TERMINATED: 11/30/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

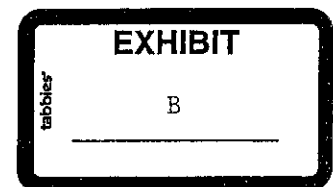
Jeffrey T Page
TIMONEY & PAGE
808 S Second St
Springfield, IL 62704
217-522-1944
Fax: 217-523-2549
Email: jeffpagelawoffice@yahoo.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS - From at
least January of 2004 until October 28,
2005 defendant conspired to distribute 5
kilograms or more of a mixture
containing cocaine in violation of
21:846 and 841(a)(1) and (b)(1)(A)(ii)
(1)

Disposition

Defendant sentenced to 81 months
imprisonment on each of counts 1 and 2
and 48 months on count 3 to run
concurrently with each other and 60
months on count 4 to run consecutively
to counts 1-3; 5 years supervised release
on each of counts 1, 2 and 4 and 1 year
on 3 to run concurrently with each



21:841A=ND.F - NARCOTICS -
SELL, DISTRIBUTE, OR DISPENSE -
ON or about October 28, 2005
defendant distributed 500 grams or
more of a mixture containing cocaine in
violation of 21:841(a)(1) and 841(b)(1)
(B)(ii)
(2)

21:843B=ND.F - USE
COMMUNICATIONS FACILITY -
NARCOTIC - DISTRIBUTE - On or
about October 28, 2005 defendant used
a telephone to facilitate a drug offense
in violation of 21:843(b)
(3)

18:924C.F - VIOLENT
CRIME/DRUGS/MACHINE GUN -
On or about October 28, 2005
defendant was in possession of a
firearm in furtherance of a drug
trafficking crime in violation of 18:924
(c)(1)(A)
(4)

21:853.F - CRIMINAL
FORFEITURES - As a result of the
offenses in Counts 1 through 3 of this
Indictment, defendant shall forfeit all
property, real and personal, involved in
the offenses and all property traceable
to such offenses, which are proceeds
obtained directly or indirectly from the
commission of the aforesaid violations
of 21:841(a) and (b)(1)(A)(ii) and 846
pursuant to 21:853
(5)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

other; \$400.00 special assessment;

Defendant sentenced to 81 months
imprisonment on each of counts 1 and 2
and 48 months on count 3 to run
concurrently with each other and 60
months on count 4 to run consecutively
to counts 1-3; 5 years supervised release
on each of counts 1, 2 and 4 and 1 year
on 3 to run concurrently with each
other; \$400.00 special assessment;

Defendant sentenced to 81 months
imprisonment on each of counts 1 and 2
and 48 months on count 3 to run
concurrently with each other and 60
months on count 4 to run consecutively
to counts 1-3; 5 years supervised release
on each of counts 1, 2 and 4 and 1 year
on 3 to run concurrently with each
other; \$400.00 special assessment;

Defendant sentenced to 81 months
imprisonment on each of counts 1 and 2
and 48 months on count 3 to run
concurrently with each other and 60
months on count 4 to run consecutively
to counts 1-3; 5 years supervised release
on each of counts 1, 2 and 4 and 1 year
on 3 to run concurrently with each
other; \$400.00 special assessment;

Defendant sentenced to 81 months
imprisonment on each of counts 1 and 2
and 48 months on count 3 to run
concurrently with each other and 60
months on count 4 to run consecutively
to counts 1-3; 5 years supervised release
on each of counts 1, 2 and 4 and 1 year
on 3 to run concurrently with each
other; \$400.00 special assessment;

Disposition

Highest Offense Level(Terminated)

None

Complaints

21:846=CD.F, 18:924C.F - On or about April 2005 to October 28, 2005 in Sangamon and Christian counties. (Count 1) defendants did conspire to distribute five or more kilograms of cocaine in violation of 21:846. 841(a) (1) and (b)(1)(A)(ii) and (Count 2) defendant Danny J Sidener Jr did knowingly possess a firearm in furtherance of a drug trafficking crime in violation of 18:924(c)(1)(A).

Disposition

Defendant sentenced to 81 months imprisonment on each of counts 1 and 2 and 48 months on count 3 to run concurrently with each other and 60 months on count 4 to run consecutively to counts 1-3; 5 years supervised release on each of counts 1, 2 and 4 and 1 year on 3 to run concurrently with each other; \$400.00 special assessment:

Interested Party

Danny J Sidener, Sr
TERMINATED: 11/22/2006

represented by Charles H Delano, IV
DELANO LAW OFFICES PC
One Southeast Old State Capitol Plaza
Springfield, IL 62701
(217) 544-2703
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

USA

represented by David E Risley
US ATTY
318 S Sixth
Springfield, IL 62701-1806
(217) 492-4450
Fax: 492-4512
Email: david.risley@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Esteban F Sanchez
US ATTY
318 S Sixth
Springfield, IL 62701-1806
217-492-4450
Fax: 217-492-4044
Email: esteban.sanchez@usdoj.gov
TERMINATED: 04/05/2006
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

John E Childress
US ATTY
318 S Sixth
Springfield, IL 62701-1806
217-492-4450
Fax: 217-492-4512
Email: john.childress@usdoj.gov
TERMINATED: 10/31/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patricia A McInerney
US ATTY
318 S Sixth
Springfield, IL 62701-1806
217-492-4450
Fax: 217-492-4512
Email: patricia.a.mcinerney@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/31/2005		+++ CASE SEALED as to Danny J Sidener, Jr, Michael D Mohan, Earl V Sidener, Adam Martin (MR, iled) [3:05-mj-03062-BGC] (Entered: 10/31/2005)
10/31/2005	<u>1</u>	COMPLAINT as to Danny J Sidener, Jr (1), Michael D Mohan (2), Earl V Sidener (3), Adam Martin (4). (MR, iled) [3:05-mj-03062-BGC] (Entered: 10/31/2005)
10/31/2005		TEXT ORDER: Before U.S. Magistrate Judge Byron G. Cudmore. Present AUSA Sanchez and DEA Special Agent Richard Dollus. Affiant sworn. Affidavit and Complaint executed. Court finds probable cause. Arrest warrants ordered to issue with no bond. File sealed pending further order of Court. Entered on 10/31/05. (MR, iled) [3:05-mj-03062-BGC] (Entered: 10/31/2005)
10/31/2005		Arrest of Danny J Sidener, Jr, Michael D Mohan, Earl V Sidener, Adam Martin (MR, iled) [3:05-mj-03062-BGC] (Entered: 11/01/2005)
11/01/2005		ORAL MOTION to Unseal Case by USA as to all defendants. (MR, iled) [3:05-mj-03062-BGC] (Entered: 11/01/2005)
11/01/2005		Minute Entry for proceedings held before Judge Byron G. Cudmore :Initial Appearance as to Danny J Sidener, Jr, Michael D Mohan, Earl V Sidener, Adam Martin held on 11/1/2005. AUSA Esteban Sanchez present on behalf of the Govt. Dft Danny J Sidener Jr present with retained counsel John Maurer. Dft Michael Mohan present without counsel. Dft Earl Sidener present with retained counsel David Harris. Dft Adam Martin present with Attorney William Panichi. Attorneys Maurer and Harris orally enter their appearance.

		Attorney Panichi orally enters a limited appearance. Atty Panichi ordered to confirm appearance as counsel for dft Martin within 7 days. The Govt states that Attorney Monore McWard has been contacted by dft Mohan. Atty McWard unable to be present. Dfts advised of rights, charges, and penalties. The Govt seeks detention as to dft Danny Sidener and Mohan. The Govt recommends release on bond for dft Earl Sidener and Martin. Preliminary & Detention Hearing set for 11/3/2005 10:00 AM as to dft Danny Sidener; and for 11/3/2005 11:00 AM as to dft Mohan in Courtroom 3 before Magistrate Judge Byron G. Cudmore. Dft Earl Sidener waives his right to preliminary hearing. Preliminary Hearing set for 11/10/2005 10:00 AM as to dft Martin. Dft Danny Sidener and Mohan ordered temporarily detained and remanded to the custody of the US Marshals. Court orders \$10,000 O/R Bond set for dft Earl Sidener and Martin. Objection made by dfts' counsel regarding home confinement condition. Objections overruled. (MR, ilcd) (Deleted duplicate text. Modified on 11/2/2005)(MR, ilcd). [3:05-mj-03062-BGC] (Entered: 11/01/2005)
11/03/2005		ORAL MOTION to Continue Detention Hearing by Danny J Sidener, Jr. (MR, ilcd) [3:05-mj-03062-BGC] (Entered: 11/03/2005)
11/03/2005		Minute Entry for proceedings held before Judge Byron G. Cudmore:Preliminary & Detention Hearing as to Danny J Sidener, Jr held on 11/3/2005. AUSA Esteban Sanchez present on behalf of the Govt. Dft present in custody with Attorney John Maurer. Oral motion by dft to continue detention hearing. Oral motion allowed. Detention Hearing continued to 11/8/2005 03:00 PM in Courtroom 3 before Magistrate Judge Byron G. Cudmore. Dft waives right to preliminary hearing. Court advises the dft of procedural rights. Temporary Order of Detention to remain in full force and effect pending pending detention hearing. (MR, ilcd) [3:05-mj-03062-BGC] (Entered: 11/03/2005)
11/08/2005	<u>13</u>	NOTICE OF ATTORNEY APPEARANCE: Jeffrey T Page appearing for Danny J Sidener, Jr <i>and John A. Maurer appearing for Danny J Sidener, Jr.</i> (Page, Jeffrey) [3:05-mj-03062-BGC] (Entered: 11/08/2005)
11/08/2005	<u>14</u>	POSITION by Danny J Sidener, Jr regarding Defendant Sidener's Proffer in Support of Setting Appropriate Bond. (Page, Jeffrey) [3:05-mj-03062-BGC] (Entered: 11/08/2005)
11/08/2005		Minute Entry for proceedings held before Judge Byron G. Cudmore :Detention Hearing as to Danny J Sidener, Jr held on 11/8/2005. AUSA Esteban Sanchez present on behalf of the Govt. Dft Sidener present in custody with Attorneys John Maurer and Jeff Page. Parties proffer regarding detention/release. Witnesses called, sworn, and testify. Parties present argument and rebuttal. Court finds clear and convincing evidence that requires defendant's detention. Dft advised of procedural rights. Court orders the Govt to file a proposed Order of Detention by 11/14/05. Objections are due 3 days thereafter. Dft remanded to the custody of the US Marshals. (MR, ilcd) [3:05-mj-03062-BGC] (Entered: 11/09/2005)
11/10/2005	<u>17</u>	NOTICE OF FILING AND PROPOSED ORDER OF DETENTION by USA as to Danny J Sidener, Jr (Sanchez, Esteban) [3:05-mj-03062-BGC] (Entered: 11/10/2005)

11/15/2005	18	Arrest Warrant Returned Executed on 10/28/05 as to Danny J Sidener, Jr. (MR, iled) [3:05-mj-03062-BGC] (Entered: 11/16/2005)
11/16/2005	23	ORDER OF DETENTION as to Danny J Sidener, Jr. Entered by Judge Byron G. Cudmore on 11/16/05. (MC, iled) [3:05-mj-03062-BGC] (Entered: 11/16/2005)
11/17/2005	24	INDICTMENT as to Danny J Sidener, Jr (1) count(s) 1, 2, 3, 4, 5. (MC, iled) (Entered: 11/21/2005)
11/28/2005		NOTICE OF HEARING as to Danny J Sidener, Jr Arraignment set for 11/30/2005 at 10:30 AM in Courtroom 3 before Magistrate Judge Byron G. Cudmore. (MC, iled) (Entered: 11/28/2005)
11/30/2005	25	MOTION to Withdraw as Attorney by John Maurer by Defendant Danny J Sidener, Jr. (MR, iled) (Entered: 12/01/2005)
11/30/2005		Minute Entry for proceedings held before Judge Byron G. Cudmore :Arraignment as to Danny J Sidener Jr (1) Count 1,2,3,4,5 held on 11/30/2005. AUSA Esteban Sanchez present on behalf of the Govt. Dft present in custody with Attorneys John Maurer and Jeff Page. Motion to Withdraw as counsel filed by Atty Maurer. Motion allowed. Atty Maurer excused. Dft advised of charges and penalties. Dft waives reading of the Indictment. Dft arraigned: Not Guilty pleas entered to Counts 1,2,3,4 (Count 5 -Forfeiture). Pretrial Conference set for 1/6/2006 09:00 AM and Jury Trial set for 1/9/2006 09:00 AM in Courtroom 1 before Judge Jeanne E. Scott. Discovery to commence. Order of Detention to remain in full force and effect. (MR, iled) (Entered: 12/01/2005)
01/06/2006		Minute Entry for proceedings held before Judge Jeanne E. Scott : MISCELLANEOUS HEARING. AUSA Esteban Sanchez present for government. Defendant present in person and with his attorney, Jeffrey Page. Defendant filed a motion to continue in magistrate case 05-3062. Defendant's motion granted. The Court finds that the ends of justice served by granting the continuance outweigh the best interest of Defendant and the public in a speedy trial. 18 USC section 3161(h)(8)(A). All pretrial motions to be filed by 3/17/2006. Pretrial Conference rescheduled to Friday, March 24, 2006 at 9:00 am. Trial date of 1/9/2006 canceled and reset to Monday, April 3, 2006, at 9:00 am. Defendant remanded to the custody of the US Marshals. (Court Reporter K. Sullivan.) (CT, iled) (Entered: 01/06/2006)
01/06/2006	26	STRICKEN. INADVERTANTLY DOCKETED IN THE WRONG CASE. ORDER on Implementation of the Sentencing Guidelines as to Danny J Sidener, Jr. Entered by Judge Jeanne E. Scott on 1/6/2006. (CT, iled) Modified on 2/6/2006 (CT, iled). (Entered: 01/06/2006)
01/18/2006	27	+++ SEALED MOTION (CT, iled) (Entered: 01/18/2006)
01/18/2006	28	ORDER granting 27 Sealed Motion as to Danny J Sidener Jr (1). Entered by Judge Jeanne E. Scott on 1/18/2006. (CT, iled) (Entered: 01/18/2006)
02/06/2006		Notice of Docket Text or Event Modification re 26 Order INADVERTANTLY DOCKETD IN THE WRONG CASE. DOCUMENT STRICKEN. (CT, iled)

		(Entered: 02/06/2006)
03/23/2006	<u>29</u>	MOTION to Continue <i>Pre-Trial and Trial Settings</i> by Danny J Sidener, Jr. (Page, Jeffrey) (Entered: 03/23/2006)
03/23/2006		TEXT ORDER: Before the Court is Defendant's Motion to Continue Pre-Trial and Trial Settings (d/e 29). Defendant requests a continuance to complete a review of the Government's voluminous discovery and prepare his defense; the Government has no objection to the Motion. The Court finds that the ends of justice served by granting a continuance for the reasons stated outweigh the best interests of the Defendant and the public in a speedy trial. See 18 U.S.C. Sec. 3161(h)(8)(A). THEREFORE, the Motion is allowed. The final pretrial set March 24, 2006, at 9:00 a.m. is canceled and reset for June 12, 2006, at 11:00 a.m. The trial set April 3, 2006, is continued to July 11, 2006, at 9:00 a.m. Entered by Judge Jeanne E. Scott on 3/23/06. (MC, ilcd) (Entered: 03/23/2006)
03/23/2006		Set/Reset Deadlines/Hearings as to Danny J Sidener, Jr: Jury Trial set for 7/11/2006 at 09:00 AM in Courtroom 1 before Judge Jeanne E. Scott. Pretrial Conference set for 6/12/2006 at 11:00 AM in Courtroom 1 before Judge Jeanne E. Scott. (MC, ilcd) (Entered: 03/23/2006)
03/29/2006	<u>30</u>	MOTION to Substitute Attorney, Sanchez to be replaced by Childress, by USA as to Danny J Sidener, Jr. (Childress, John) (Entered: 03/29/2006)
04/05/2006		TEXT ORDER by Magistrate Judge Byron Cudmore ALLOWING <u>30</u> Motion to Substitute Attorney, John E Childress for USA replacing Esteban F Sanchez as to Danny J Sidener Jr (1). Entered by Judge Cudmore on 4/5/06. (LB, ilcd) (Entered: 04/05/2006)
06/08/2006	<u>31</u>	MOTION to Continue <i>Pre-Trial and Trial Settings</i> by Danny J Sidener, Jr. (Page, Jeffrey) (Entered: 06/08/2006)
06/09/2006		TEXT ORDER: Defendant Danny J. Sidener, Jr.'s Motion to Continue Pre-trial and Trial Settings (d/e 31) is ALLOWED. Defendant Sidener requests additional time to review discovery in this case. The Government has no objection to the continuance. Based on this justification, the Court finds that the ends of justice served by granting the continuance outweigh the best interests of the Defendant and the public in a speedy trial. 18 U.S.C. Sec. 3161(h)(8)(A). The pretrial conference is continued to October 2, 2006, at 9:30 a.m. The trial is continued to October 3, 2006, at 9:00 a.m. Entered by Judge Jeanne E. Scott on 6/9/06. (MC, ilcd) (Entered: 06/09/2006)
06/09/2006		Set/Reset Deadlines/Hearings as to Danny J Sidener, Jr: Jury Trial set for 10/3/2006 at 09:00 AM in Courtroom 1 before Judge Jeanne E. Scott. Pretrial Conference set for 10/2/2006 at 09:30 AM in Courtroom 1 before Judge Jeanne E. Scott. (MC, ilcd) (Entered: 06/09/2006)
10/02/2006		Minute Entry for proceedings held before Judge Jeanne E. Scott: MISCELLANEOUS HEARING as to defendant Danny J. Sidener, Jr. AUSA John Childress present for government. Defendant present in person and with his attorney, Jeffrey Page. Defendant's motion to continue granted. The Court finds that the ends of justice served by granting the continuance outweigh the best interest of Defendant and the public in a speedy trial. 18 USC section 3161

		(h)(8)(A). Pretrial Conference set for Monday, October 16, 2006, at 10:00 am. Jury Trial of 10/3/2006 canceled and reset to: Tuesday, October 17, 2006, at 9:00 am. Defendant remanded to the custody of the US Marshals. (Court Reporter K. Sullivan.) (CT, ilcd) (Entered: 10/02/2006)
10/02/2006		Set/Reset Deadlines/Hearings as to Danny J Sidener, Jr: Pretrial Conference set for 10/16/2006 10:00 AM in Courtroom 1 before Judge Jeanne E. Scott. (CT, ilcd) (Entered: 10/03/2006)
10/16/2006		Minute Entry for proceedings held before Judge Jeanne E. Scott: PRETRIAL/CHANGE OF PLEA Hearing as to Defendant Danny J. Sidener, Jr. held on 10/16/2006. AUSA John Childress present on behalf of the Government. Defendant Danny J. Sidener, Jr. present in custody and with his attorney, Jeffrey Page. Defendant sworn, examined by Court, and found competent to enter a knowing plea. Defendant advised of rights, charges and penalties. Open plea discussed. Defendant Danny J. Sidener, Jr. enters open guilty plea to Counts 1-4 of the Indictment and agrees to forfeiture of property in Count 5. Preliminary order of forfeiture entered. Court enters judgment on plea. Presentence report ordered. Trial set for 10/17/2006 is cancelled. Sentencing hearing is scheduled for 2/26/2007 at 2:30 p.m. Defendant is remanded to the custody of the US Marshal. (Court Reporter KS) (CC, ilcd) (Entered: 10/17/2006)
10/17/2006	<u>32</u>	ORDER on Implementation of Sentencing Guidelines as to Defendant Danny J Sidener, Jr. Entered by Judge Jeanne E. Scott on 10/16/06. (CC, ilcd) (Entered: 10/17/2006)
10/18/2006	<u>33</u>	Letter from Danny Sidener, Sr.. (MC, ilcd) (Entered: 10/18/2006)
10/20/2006	<u>34</u>	First MOTION for Forfeiture of Property <i>for Preliminary Order of Forfeiture</i> by USA as to Danny J Sidener, Jr. (Attachments: # <u>1</u> Text of Proposed Order) (McInerney, Patricia) (Entered: 10/20/2006)
10/26/2006	<u>35</u>	OPINION AND PRELIMINARY ORDER OF FORFEITURE as to Danny J Sidener, Jr. Entered by Judge Jeanne E. Scott on 10/25/06. (MC, ilcd) (Entered: 10/26/2006)
10/31/2006	<u>36</u>	MOTION to Substitute Attorney. John E. Childress to be replaced by David E. Risley, by USA as to Danny J Sidener, Jr. (Risley, David) (Entered: 10/31/2006)
10/31/2006		TEXT ORDER by Magistrate Judge Byron Cudmore: Motion for Substitution of Counsel <u>36</u> ALLOWED. David E Risley for USA replacing John E Childress as to Danny J Sidener Jr (1). (LB, ilcd) (Entered: 10/31/2006)
11/02/2006	<u>37</u>	PETITION to adjudicate interest in property by Danny J Sidener, Sr as to Danny J Sidener, Jr. (MC, ilcd) (Entered: 11/03/2006)
11/03/2006	<u>38</u>	NOTICE of appearance of Charles Delono for by Danny J Sidener, Sr (MC, ilcd) (Entered: 11/03/2006)
11/14/2006	<u>39</u>	First MOTION for Discovery <i>in Ancillary Forfeiture Proceedings</i> by USA as to Danny J Sidener, Jr. (Attachments: # <u>1</u> Text of Proposed Order Authorizing Discovery) (McInerney, Patricia) (Entered: 11/14/2006)

11/15/2006		TEXT ORDER: The Government's Motion Under Fed.R.Crim.P. 32.2(c)(1)(B) for an Order Authorizing Discovery (d/e 39) is ALLOWED. The parties to the ancillary forfeiture proceeding in this matter are authorized to conduct discovery pursuant to the Federal Rules of Civil Procedures. This matter is referred to United States Magistrate Judge Byron G. Cudmore to conduct a scheduling conference for the ancillary proceeding and to determine any appropriate limits on the use of civil discovery procedures. Entered by Judge Jeanne E. Scott on 11/15/06. (MC, iled) (Entered: 11/15/2006)
11/20/2006		TEXT ORDER by Magistrate Judge Byron Cudmore: The parties are directed to meet and confer and to tender to the Court by 12/8/2006 a status report with agreed to, and/or proposed but objected to, discovery ancillary to the forfeiture proceedings, and a proposed schedule for the discovery to take place. Entered by Judge Cudmore on 11/20/06. (LB, iled) (Entered: 11/20/2006)
11/21/2006	<u>40</u>	MOTION to Dismiss by Danny J Sidener, Sr as to Danny J Sidener, Jr. (MC, iled) (Entered: 11/21/2006)
11/22/2006		TEXT ORDER: Claimant Danny J. Sidener, Sr.'s Motion to Dismiss (d/e 40) is ALLOWED. Claimant Danny J. Sidener, Sr.'s Petition to Adjudicate Interest in Property (d/e 37), and his claim to any of the property subject to the Opinion and Preliminary Order of Forfeiture entered October 26, 2006 (d/e 35), are DISMISSED with prejudice. Entered by Judge Jeanne E. Scott on 11/22/06. (MC, iled) (Entered: 11/22/2006)
12/15/2006	<u>41</u>	Certificate of Service by Danny J Sidener, Jr for Preliminary Order of Forfeiture on 2323, 2315 and 2319 South 6th Street (MC, iled) (Entered: 12/15/2006)
12/15/2006	<u>42</u>	Certificate of Service by Danny J Sidener, Jr of preliminary order of forfeiture of 905 West Waco, Taylorville, IL (MC, iled) (Entered: 12/15/2006)
01/16/2007	<u>43</u>	NOTICE <i>Certificate of Publication of Notice of Forfeiture</i> by USA as to Danny J Sidener, Jr (McInerney, Patricia) (Entered: 01/16/2007)
01/22/2007	<u>44</u>	MOTION to Continue <i>Sentencing</i> by USA as to Danny J Sidener, Jr. (Risley, David) (Entered: 01/22/2007)
01/23/2007		TEXT ORDER: The Government's Motion for Continuance of Sentencing Hearing (d/e 44) is DENIED. The sentencing is scheduled over a month away. That gives the parties ample time to finalize issues regarding cooperation and sentencing. Entered by Judge Jeanne E. Scott on 1/23/07. (MC, iled) (Entered: 01/23/2007)
01/24/2007	<u>45</u>	MOTION for Forfeiture of Property <i>for Entry of Final Order of Forfeiture</i> by USA as to Danny J Sidener, Jr. (Attachments: # <u>1</u> Text of Proposed Order Final Order of Forfeiture)(McInerney, Patricia) (Entered: 01/24/2007)
01/31/2007	<u>46</u>	OPINION AND FINAL ORDER OF FORFEITURE granting <u>45</u> Motion for Forfeiture of Property as to Danny J Sidener Jr (1). Entered by Judge Jeanne E. Scott on 1/31/07. (MC, iled) (Entered: 01/31/2007)
02/23/2007	<u>47</u>	POSITION by Danny J Sidener, Jr regarding Defendant's Commentary on Sentencing Factors. (Page, Jeffrey) (Entered: 02/23/2007)

02/26/2007		Minute Entry for proceedings held before Judge Jeanne E. Scott: SENTENCING HEARING as to defendant Danny Sidener. AUSA David Risley present for government. Defendant present in person and with his attorney, Jeffrey Page. With no objections. Court adopted the factual finding of the PSR as its own. Court noted that the guidelines were advisory. Arguments of counsel heard regarding sentencing. Defendant exercised his right of allocution and addressed the Court. Governments motion for downward departure granted. Defendant sentenced to 81 months imprisonment on each of counts 1 and 2 and 48 months on count 3 to run concurrently with each other and 60 months on count 4 to run consecutively to counts 1-3; 5 years supervised release on each of counts 1, 2 and 4 and 1 year on 3 to run concurrently with each other; \$400.00 special assessment. Rights of appeal given. Defendant remanded to the custody of the US Marshals. (Court Reporter K.S.) (CT, ilcd) (Entered: 02/28/2007)
02/28/2007	48	JUDGMENT as to Danny J Sidener, Jr (1). Defendant sentenced to 81 months imprisonment on each of counts 1 and 2 and 48 months on count 3 to run concurrently with each other and 60 months on count 4 to run consecutively to counts 1-3; 5 years supervised release on each of counts 1, 2 and 4 and 1 year on 3 to run concurrently with each other; \$400.00 special assessment. Entered by Judge Jeanne E. Scott on 2/28/2007. (CT, ilcd) (Entered: 02/28/2007)
02/28/2007	49	+++ STATEMENT OF REASONS FOR IMPOSING SENTENCE as to Danny J Sidener, Jr (CT, ilcd) (Additional attachment(s) added on 4/23/2008: # 1 SOR) (CT, ilcd). (Entered: 02/28/2007)
02/28/2007	50	+++ PRESENTENCE INVESTIGATION REPORT as to Danny J Sidener, Jr (CT, ilcd) (CT, ilcd). (Entered: 02/28/2007)
02/28/2007	51	+++ SENTENCING RECOMMENDATION as to Danny J Sidener, Jr. (CT, ilcd) (CT, ilcd). (Entered: 02/28/2007)
02/28/2007	52	Letter from Danny Sidener. (CT, ilcd) Additional attachment(s) added on 3/1/2007 (CT, ilcd). (Entered: 03/01/2007)
03/01/2007		TEXT ORDER: The Court has received a letter from the Defendant. The Clerk is directed to file the letter and send copies to counsel of record. Entered by Judge Jeanne E. Scott on 2/28/2007. (CT, ilcd) (Entered: 03/01/2007)
03/15/2007	53	Certificate of Service of vacate notice upon occupant of 610 S Illinois Street, Springfield, IL as to Danny J Sidener, Jr (MC, ilcd) (Entered: 03/19/2007)
03/15/2007	54	Certificate of Service of notice to vacate upon occupant of 2307 South 12th Street, Springfield, IL 62703 as to Danny J Sidener, Jr (MC, ilcd) (Entered: 03/19/2007)
03/19/2007	55	Certificate of Service of notice to vacate served by USM on 816 West Franklin, Taylorville, IL 62568 (MC, ilcd) (Entered: 03/20/2007)
04/27/2007	56	Judgment Returned Executed as to Danny J Sidener, Jr on 4/5/07. (ME, ilcd) (Entered: 05/01/2007)

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POSTED ON MARCH 20, 2008:

Danny the dealer

The leader of Springfield's notorious cocaine ring talks about his life in crime — and why he's glad he was caught

By Dusty Rhodes

EXHIBIT

C



Danny Sidener (left) on vacation in Florida.

On Oct. 28, 2005, Danny J. Sidener Jr. went to Family Video on MacArthur Boulevard to accept a delivery from a Chicago business associate. This associate arrived 20 minutes earlier than expected, and Sidener didn't handle the merchandise as carefully as usual when he tucked it into the carpet-covered wheel-well of his rented Pontiac Grand Am. No matter; he planned to dispose of the stuff quickly.

He drove about a block and a half down Leland Avenue, to his cousin Michael Mohan's house. Mohan wasn't home yet, so Sidener parked in the driveway and leaned against his car to wait. When Mohan arrived, they went inside, Sidener carrying a blue bag. Three minutes later he was back in his car, headed north on MacArthur.

Somewhere along the way he got a call from a friend who had heard Mohan's address broadcast over a police scanner. Realizing that he was probably being followed, Sidener took ever-smaller side streets, still heading north toward his cousin's home near Camp Lincoln. At the corner of Elliott Street and a tiny lane called Kings Highway, Sidener's car collided with an Illinois State Police vehicle, and Sidener was taken into custody.

In that instant, he realized that his long and highly profitable career as a cocaine dealer was over. But instead of feeling fear, anger, or panic, Sidener felt a huge sense of relief, even gratitude.

"When I get out of here," he says, speaking from a federal prison, "I'm gonna look back and I know I'm gonna tell myself it's the best thing that could've happened to me."

In the months following the arrest, Sidener's name appeared incessantly in media reports. He wasn't just any dope dealer; he was the top man in an organization that included recognizable names from local legal and political circles among its clientele. By the time authorities ended the "Springfield cocaine ring" probe, Sidener and eight other men had pleaded guilty to drug trafficking and nine more had been held under scrutiny by a special prosecutor.

Yet in all the coverage, few details surfaced about the now-29-year-old Springfield native who built an illicit-drug operation over the course of almost a decade. *Illinois Times* applied to interview Sidener at the Forrest City Federal Correctional Complex, in Forrest City, Ark., but the warden declined the request because of "safety and security considerations." Instead, prison officials facilitated two question-and-answer sessions between Sidener and a reporter, first by phone, then by fax. Sidener also designated an older cousin to talk about his past.

These conversations provide a glimpse into the sometimes scary, sometimes boring, always creative, and occasionally comical existence of a full-time professional drug dealer. They also show how Danny Sidener managed to peddle marijuana and cocaine for eight years before finally getting caught.

First of all, forget all the B-movie clichés. There were no flashy cars or gaudy jewelry, just the low-key accoutrements of a well-heeled but uncomfortable lifestyle. There was no force or discipline within the organization, just hanging out and partying together. Sidener's operation wasn't a gang; it was more like a family business.

It started, Sidener says, with a pound of weed.

In 1997 he graduated from Southeast High School and enrolled at Northern Illinois University in DeKalb. Having been a standout running back for the Spartans, he hoped to play football for NIU. Instead he got homesick, dropped out of school, and returned to Springfield, bunking at friends' houses during the week in the hope that his mother wouldn't find out (she soon did). To make money, he started "investing in marijuana" — first a pound, then 2, then 3, then 10. Within six months, he was up to 50 pounds; next thing he knew, he was buying 100 pounds at a pop.

"I did have some piddly-ass job, though I'm sure I hated it," Sidener says. "I don't have any passion for working under anyone. I never will."

Around 1998 or '99, his supply of cannabis suddenly disappeared and Sidener had to diversify. Customers had been asking him about cocaine, so he found a Chicago supplier and bought a quarter-kilogram (9 ounces). His second purchase was a kilo.

"From there on it was nonstop," Sidener says. "Whatever the people wanted: 100 pounds, 500 pounds, 5 keys, 10 keys. Whatever." As he reels these numbers off, there's no pride in his voice, perhaps because a corrections-department counselor is monitoring Sidener's end of the interview or maybe because he has, as he insists, started a new chapter in life. "This is a huge turnaround for me," he says.

In 2000, the market in Springfield came under some heat, and Sidener moved to Chicago. "Several search warrants were being served during this period . . . [with] warrants that came from phony trash-rips — the same ones you hear about today," Sidener says, referring to the work of some Springfield police detectives [see "Above the law," Sept. 28, 2006]. "My [suppliers] wanted me out of that area. I think maybe they wanted to keep an eye on me."

But after six or eight months he moved back home, partly for the same reason he dropped out of college — to be near his family and friends — and partly because he felt safer here. "It was easier for me to be around Springfield, where I can maneuver," he says.

Sidener had relatives and lifelong pals here whom he could trust to handle the drugs he was bringing in from Chicago. Two cousins — Mohan and Earl Sidener — and a high-school football buddy named Jerrad Pruitt received the bulk of the dope and allocated it to other distributors. Though Sidener and several other members of the group carried handguns, he chuckles at the notion that their activities could be called organized crime.

"They were family members. Whether they were organized or not, I dunno. Not really — we weren't a gang or nothing. To other people it might seem like that, but not to me," he says. "I mean, I didn't have no control over them or nothing. Everybody knew what to do."

Business thrived. Asked how much money he made between the time he began dealing in 1997 and his arrest in 2005, Sidener can only estimate: "Definitely in the millions."

He developed a pattern of distributing the product to Mohan, Pruitt, and Earl Sidener the day he took delivery from Chicago — usually once or twice a month — then taking his time collecting payment. The secret of his success was how he managed that money.

"A lotta people, as soon as they make money, they go spend it immediately. I just kept compounding it," Sidener says. "I always had a goal. The first one was like \$50,000. Then next one was like \$500,000. The last one was like a million. I never reached it. I got cut off."

Finding ways to deal with all that illegal cash required ingenuity. He used the small change to pay his supplier and hoarded the \$100 bills, because they were easier to hide. There were the usual places — wall safes, floor safes, deposit



boxes, behind drywall, under false flooring — and the not-so-usual, such as a secret compartment inside a car parked inside a storage unit. "This is never-ending," Sidener says.

Of course, the easiest stuff to squirrel away was the invisible loot — debt that could be held and then harvested when needed. "Money is sometimes safer when other people owe you money," Sidener says. He erased \$10,000 drug debts "more times than I can count on both hands."

He invested in real estate, buying and rehabbing small houses in Springfield and Taylorville. He bought three vacant lots along the train tracks on South Sixth Street. He dabbled in contracting, building a couple of homes near Lake Springfield. He also bought an abundance of goodwill, giving away an estimated \$1 million to friends and relatives whenever they needed a little help.

"Houses, cars, cash, bills — everybody has to eat," Sidener says.

He doesn't offer any details, but other people do. The cousin he has designated to answer questions speaks on the condition that his name not be used, but he says Sidener provided both the moral and the monetary support he needed to go straight after his own state-prison sentence for selling marijuana. "He put me through barber college so I could get my license, and he bought me a car so I wouldn't have to do anything stupid," says the cousin. "He wanted to keep me on the right track. He didn't want to lose me again."

The cousin claims that he has been law-abiding since: "This is my hustle now, cutting hair."

Sidener's largesse extended beyond family, according to his cousin. Once, when they were out at a bar, Sidener overheard the cousin's friend lamenting that he couldn't go visit his young daughter in Colorado because he didn't have a reliable vehicle. Sidener gave this man he barely knew the car he was driving that night — a late-model Ford Taurus. He even lent a former high-school classmate — a platonic female friend — money for breast-augmentation surgery, then declined repayment.

"I loved to be able to help people," Sidener says. "I'll do the same when I get home — help those less fortunate than others."

He apparently didn't spend lavishly on himself. He wore a gold chain and a fancy watch that his cousin says was probably just a nice fake, and he had a fondness for expensive sports jerseys. He sometimes whiled away his abundant free time by gambling on football and online casino games. But at the time of his arrest he lived in a small, nondescript beige house with a big picture window that blended perfectly with everything else in a working-class Taylorville neighborhood.

"He had a decent TV and nice furniture but nothing way pricey. Didn't get too crazy," says his cousin. "He had small little features, like two heads in the shower."

Sidener also didn't succumb to the product he sold. "Cocaine was rarely appealing unless I was intoxicated," he says. "I drank most weekends and sometimes during the week. Not every day. I wasn't a junkie."

In fact, going cold turkey after his arrest presented no problem. "I don't believe I'll drink or use again," he says.

He came close to getting caught a time or two. In 2000 or 2001, Sidener says, he was approached at a carwash on Sangamon Avenue by Paul Carpenter, then an SPD detective. Sidener didn't have a valid driver's license, and he was certain Carpenter knew that. They chatted for five or 10 minutes, but Carpenter made no move to arrest Sidener for driving illegally. "He let me go. Paul is not petty like some cops I know," Sidener says. "But little did Paul know I had 20 pounds of weed in my vehicle."

Another time, when he was driving home to Taylorville, drunk and speeding, he noticed flashing red and blue lights behind him and realized he was going to be stopped. He suddenly remembered that the handgun on the back floorboard might be loaded (he says he had been at the shooting range), and, not wanting to risk losing his FOID card, he decided to dismantle the weapon. As he explained a few months later, in a handwritten letter to U.S. District Judge Jeanne Scott, his "intoxication and clumsiness [sic]" hampered his efforts, and he not only crashed into some construction barricades but also, in the confusion, cocked the weapon. He ended up throwing the gun out the window. The cops who stopped him found it, but later dropped the charge.

Some
of
the
guys
closest



Young Danny Sidener (above) always allowed his favorite older cousin, who wanted to be a barber, to experiment on his hair. After that cousin served prison time for selling marijuana, Sidener paid his tuition for barber school.

was so persistent that Sidener finally resorted to lying, just to shut him up. "He would tell me the down side: 'You've got enough money; you've got this and that; it's not the way to live.' He knew that," Sidener says.

His cousin the barber tried a few times as well. "We'd be out with the girls and end up off to ourselves, after quite a few beers, and kinda get emotional," the cousin says. Sidener would never give him a straight answer about whether he was selling drugs, but the cousin had a hunch he was because of changes in his temperament.

"Toward the end, it seemed like he was more paranoid," the cousin says.

Sidener says the same thing. He had the usual paranoia that comes with cocaine use, increased exponentially by the illegal and dangerous job of wholesaling loads of the stuff it. Yet he couldn't kick the habit.

"The money's more addictive than the drug itself. It made my life a mess," he says. "I spent a lot of time looking in my rearview, spotting suspicious vehicles that look like police, looking for airplanes that keep flying in circles, nosy neighbors, odd vans parked outside . . . everything. This causes is a lot of stress, pressure, paranoia. This is the part that sucks."

Still, despite these obsessive fears, Sidener didn't worry when he heard that one of his distributor's customers had become a snitch and was cooperating with law-enforcement authorities. "We hear this stuff all the time. You know, I've heard that about myself," he says. "And [the distributor] knew all them politicians and stuff; he figured that if that was true they would've told him."

According to court documents, the ring began to fall apart in April 2005, when law enforcement officers found 14 ounces of powder cocaine during the execution of a search warrant on a residence. The resident quickly turned informant and is identified in court documents only as "CS #1" (confidential source 1). In May, CS #1 allowed the Illinois State Police to record his conversation while he bought 223 grams of cocaine from his usual supplier, Adam Martin. In July, CS #1 purchased 200 grams of cocaine at Martin's Lindbergh Boulevard duplex from Martin's source, Mohan, who told CS #1 that he had a half-kilo available. Mohan also said he could entrust CS #1 with full kilos to sell. Drug agents recorded the entire conversation on audio and video.

In September, law-enforcement authorities received permission from Judge Scott to intercept calls on two cell phones used by Mohan, and they began to hear Mohan talking to Danny Sidener, using what seemed like coded language referring to drug distribution. In one, Mohan sounds like he's planning a cookout, but he's really telling Sidener that he has a customer who needs a larger-than-average supply of cocaine for the weekend: "If you could bring some steak, that would be sweet, but if you can't, I mean, call the meat man and tell him we're gonna have a party," Mohan says.

On Sept. 30, a surveillance team watched Sidener drive up to Mohan's house in a blue Yukon and then leave, followed by Mohan's blue Ford Explorer. Agents followed Mohan to the west-side home of "Distributor #2," probably Gerald Vondebur, who lived on Fairway Lane (court documents indicate that he received 500 grams of cocaine that day).

Two weeks later, agents intercepted a series of phone calls in which Mohan tried to get directions from Sidener on where to find a

kilo of cocaine. After showing up at Sidener's home just before 9 a.m., Mohan drove a few blocks to a vacant house that Sidener owned and called him again, asking where the "rock" was located.

"I must've told him to come out in the morning and forgot all about it," Sidener says. "I was . . . still up from the night before getting high." The "rock" was a fake stone in the front yard, used to hide a key. Mohan finally found the key, let himself into the house, and took the kilogram of cocaine.

Soon after, Scott signed an order allowing investigators to monitor Sidener's cell phone, and within a week agents heard Sidener, Mohan, and Earl Sidener coordinating plans to receive a delivery on Oct. 28. Both Sideners and Mohan were arrested that evening. Martin was arrested the next day. Over the next few weeks, Sidener's uncle Peter Sidener, plus Vondebaur, William W. Thomas, and Dondi McIntosh, were also arrested, as was Pruitt, despite the fact that he had been out of the business for more than a year.

Peter Sidener, Mohan, Pruitt, and Thomas were each indicted on conspiracy to distribute at least 500 grams of cocaine. Vondebaur, McIntosh, Danny and Earl Sidener were each indicted on conspiracy to distribute 5 or more kilograms of cocaine; Danny Sidener also faced a weapons charge for the 9mm handgun and 16 rounds of ammunition found in his car.

For three hours, Sidener recalls, he sat alone in a holding cell at the local Drug Enforcement Agency office with nothing to do but try to gauge the magnitude of the mess he was in: "I tried to think, 'What do they got? What's going on here? Do they really know? Did they find that half-kilogram in the trunk of the car? What should I do?' I tried to weigh it out."

He would keep quiet, say nothing — at least that's what he had always promised himself. But he knew that agents had found the 1.5 kilograms he had delivered to Mohan, and the packaging had his fingerprints on it. "I usually don't touch them. I never touch them, but I was in a hurry," Sidener says. Plus, as the hours crept by, he began to realize that the agents must be debriefing someone else.

One thing he didn't even consider was calling a lawyer. He preferred to handle this situation on his own.

When it was his turn to be questioned, Sidener angled to get the agents to divulge what they already knew. As it turned out, they knew a lot. Sidener waived his Miranda rights and saved the cops the trouble of searching alleys and Dumpsters by telling them where to find the half-kilo hidden in his car. He also answered their questions about his Chicago source, but that person has never been arrested. Asked why, Sidener doesn't have much to say.

"Well, I guess they couldn't put enough together. Maybe they didn't have enough time to catch him, or I didn't give 'em enough information or something. I had a separate [prepaid] phone to call him from, so they never knew about him," Sidener says. "But I don't really wanna talk about that."

His decision to cooperate was the lesser of two selfish choices, Sidener says. "It was either be selfish and tell on all these [co-conspirators] or be selfish and leave my family out to dry," he says. "I mean, 30 to 40 years is what they were gonna give me if I hadn't cooperated."

He wasn't the only one. The other participants in the family business also talked to the agents. "Yeah, yeah, yeah — I think every single one of them," Sidener says. "The feds put a lotta pressure on you."

But is he angry? Perhaps at CS #1, who was never publicly identified, never charged with any crime?

"No, no," Sidener insists. "If that didn't happen, something else would've happened eventually. I'm not mad at anyone. I put myself in this situation — ain't nobody's fault but me. If I didn't make these choices, I wouldn't be here."

He expressed the same sentiment on Feb. 26, 2007, at his sentencing hearing in U.S. District Court. He apologized to the judge, then to his family. His older cousin says it was an emotional scene.

"Made me cry," the barber says. "I didn't wanna break down, but I sure did."

The one thing Sidener feels no remorse about is the poisonous product he sold. He compares the situation to owning a bar: If one bar closes, the patrons simply buy alcohol elsewhere.

"Consumption is eminent," he says. "The hand that feeds is irrelevant."

Sidener now spends his days exercising, studying the stock market, taking classes in financial investment, reading the Bible, and attending church. He's hooked on day trading and believes that when he's free he will make enough money legally to recoup all the cash and property he forfeited and then some. "That \$500,000 the feds took will look like peanuts. They can have it," he says.

Sentenced to almost 12 years in federal prison, Sidener will spend at least another six or seven years behind bars. Whether his new attitude will last that long remains to be seen. For now, he has no nostalgia for his old lifestyle.

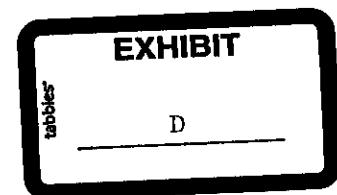
"My life was headed for disaster: Huge decline. Self-destruction. Paranoid as hell. Fear of jail, fear of getting robbed or killed, worried about my family and all those people close to me [who] might get caught in the middle somehow. Everybody knew I had money," he says. "Hard telling what people are plotting — kidnapping, ransom, robbery, whatever. I could have died of a drug overdose. Who knows? I was forced out of this life in the matter of seconds."

"I'm in the best shape of my life now," he says. "I'm closer to God than ever; I know what I'm gonna do now; I can live in peace, not to mention longer. You can't sell dope forever."

Contact Dusty Rhodes at drhodes@illinoistimes.com.

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U.S. Department of Justice
Drug Enforcement Administration

MAY 29 2008

Subject of Request: INFORMATION ON A THIRD PARTY – SIDENER, DANNY J.

Tom Schanzle-Haskins
Brown, Hay & Stephens, LLP
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, Illinois 62705

Dear Mr. Schanzle-Haskins:

The Drug Enforcement Administration (DEA) has received your Freedom of Information Act (FOIA) request letter dated May 14, 2008.

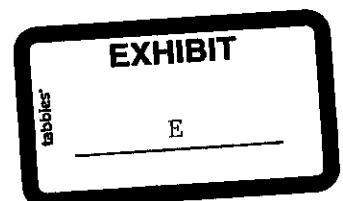
Our office is currently experiencing a transition and as a result your request has not yet been assigned a FOI/PA number.

Please be assured that your request will be handled as expeditiously as possible. A request number will be assigned and forwarded to you at a later date. Your request will be handled in chronological order based on the date of this letter. Thank you in advance for your patience and understanding.

If you have any questions regarding this letter, you may contact our Customer Service Hotline Representative on (202) 307-7596.

Sincerely,

Katherine L. Myrick
Chief, Operations Unit
FOI/Records Management Section



JUN 02 2008